

REMARKS/ARGUMENTS

The amendments to the claims are found throughout the specification and in the claims as originally filed. Note, for example, specification page 6, line 27 and claims 3, 4 and 6. With regard to the newly-presented claims, note original claim 1, specification page 5, lines 21-25, page 9, lines 27-29, page 11, lines 5-7, and page 12, line 3. No new matter has been entered.

The anticipation and obviousness rejections over Stokes (U.S. 5,858,515) are traversed.

First, as noted above, Applicants have incorporated into claims 1 and 9 the requirement that the heat-fusing composite staple fibers be 30 to 300 mm in length. Stokes suggests, at column 10, lines 3-4, the use of “small fibers having typical lengths ranging from about 6 to about 19 mm.” Moreover, and with regard to amended claim 1, the limitations of claims 3, 4, and 6 have been incorporated therein. Because these claims were not included in the anticipation rejections, it is quite clear that the anticipation rejection is no longer applicable, and should be withdrawn.

The only remaining rejection is the obviousness rejection, also based on Stokes. However, Stokes is primarily directed to the use of spunbond non-woven webs made of continuous filaments produced by a process shown in Figure 3 thereof. This reference bias towards continuous filaments is evident from a review of the Examples in Stokes, none of which use non-woven webs made of staple fibers. See, for example, the paragraph bridging columns 15-16 of Stokes.

As discussed initially at specification pages 2-3, several preferred embodiments of the present invention are disclosed, and several of these preferred embodiments have been incorporated into the claims. Specifically, claim 1 now requires the preferred staple fiber length of 30-300 mm, as noted at the bottom of page 6 of the specification, and further

requires 10 to 20 crimps/inch and a percentage crimp of 5 to 20%. As explained at specification page 8, these preferred crimp limitations provide excellent results as compared to fabrics not meeting these criteria. For example, the specification explains that if the number of crimp is less than 10 and percentage crimp is less than 5%, good bulk is *not* provided. On the other hand, if the number of crimp exceeds 20 and percentage crimp exceeds 20%, inadequate engagement between the hook engaging elements and the loop engaging elements results, and a change in appearance occurs upon repeated fastening.

In addition, claim 1 has been amended to describe the preferred island region where the base portion has a mean diameter D of 2 to 8 mm as calculated from an area-based equivalent circle. As noted at the top of specification page 9, if the mean diameter D is less than 2 mm, the effectiveness of engaging areas on the upper surface of the island regions is negatively impacted. Moreover, if the mean diameter D exceeds 8 mm, both ends of the staple fibers in the upper surface fail to reach the sea region, resulting in an increase in the number of fibers that are heat-anchored in the sea region at only one end, causing staple fibers in the upper surface to be pulled out and resulting in the destruction of loops.

Notably, none of these preferred embodiments are individually described or suggested in Stokes in a manner sufficient to constitute a *prima facie* case under 35 U.S.C. 103. This is particularly true, necessarily, for the combination of preferred limitations now present in the claims. That is, one of ordinary skill in the art, reviewing Stokes, would not arrive at the presently claimed heat-embossed, fastening non-woven fabric as presently claimed in claim 1, or the process as described in present claim 9. Since Stokes concentrates primarily on the use of sponbond non-woven webs made of continuous filaments, there clearly is no direction provided in the reference that would lead one of ordinary skill in the art to e.g., the differences between filaments and staple fibers with respect to forming a bulky web. Stokes thus fails to teach or suggest the advantages obtained according to the present invention with

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webs made of staple fibers, and in fact could be seen as discouraging one of ordinary skill in the art from pursuing such a web in view of the overall guidance and direction provided in the reference that is directed towards sponbond non-woven webs made of continuous filaments.

Accordingly, Applicants respectfully submit that the anticipation rejection has been overcome by amendment, and that the remaining obviousness rejection is unsupportable on appeal in view of the amendments to the claims, which now describe preferred fabrics providing the excellent characteristics noted above and in the specification. Accordingly, Applicants respectfully submit that the present application is in condition for allowance, and early notification to this effect is respectfully requested.

As a final note, Applicants wish to bring to the Examiner's attention the fact that they filed an Information Disclosure Statement on March 30, 2004, which has not been returned. A copy of the date-stamped filing receipt and the PTO-1449 is attached for the Examiner's convenience. Because the reference cited is a U.S. patent, Applicant has not attached another copy of this reference because it is believed that this reference is easily available to the Examiner, and perhaps already in the file.

Respectfully submitted,

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MAIER & NEUSTADT, P.C.



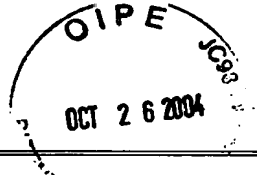
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SHEET 1 OF 1

Form PTO-1449
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PATENT AND TRADEMARK OFFICEATTY DOCKET NO.
205467US0PCTSERIAL NO.
09/787,929

LIST OF REFERENCES CITED BY APPLICANT

APPLICANT

Hirosi ITOU, et al.

FILING DATE

May 16, 2001

RCE FILED: March 5, 2003

GROUP

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U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPROPRIATE |
|---------------------|----|--------------------|------------|-------------------|-------|--------------|-------------------------------|
| | AA | 5,599,420 | 02/04/1997 | R. S. YEO, et al. | | | |
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FOREIGN PATENT DOCUMENTS

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OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

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☐ Additional References sheet(s) attached

Examiner

Date Considered

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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OSMM&N File No. 205467US0PCT

Serial No. 09/787,929

In the matter of the Application of: Hiroshi ITOU, et al.

For: NONWOVEN FABRIC HAVING ENGAGING FUNCTION

Dept.: IP-I

By: NFO/phh

Due Date: 04/08/2004

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
- Information Disclosure Statement
- Cited References (1)
- Search Report EUROPEAN
- PTO-1449

